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February 8, 2006

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AIR ENFORCEMENT BRANCH,
U.S. EPA, REGION 5

Compliance Tracker
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5, AE-17J
77 West Jackson Boulevard
Chicago, Illinois 60604

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
RE: DOJ No. 90-11-2-06089

Director, Office of Regulatory Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Mailcode 2241A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report is submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

32(c) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005.

32(d) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. Visual inspection or dust removal associated with the Particulate Impaction System has ceased as of January 2005.

- 32(e) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No dust removal or disposal has occurred since the Particulate Impaction System has been removed.
- 32(f) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No maintenance, repair, or replacement of Particulate Impaction System has occurred since the system has been removed.
- 32(g) The reported moisture elevations in the manure at Mt. Victory LS5, barn 2 has deferred to normal expectations given that the Particulate Impaction System and manure have been removed.
- 32(h) Exhaust or ventilation fan operational data is being submitted via Purdue University – Dr. Hebers' updates.
- 32(i) See attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) Additional PM reduction analyses have been ongoing for the 3rd and 4th quarters of 2005 and will continue through the 1st quarter of 2006. Electrostatic analyses have been conducted at Mt. Victory, barn 2. Ag-Detox applications and analyses have been conducted at Mt. Victory's LS5, barn 2 for a period of two weeks and subsequently, alum applications and analyses has succeed in quarter 3 of 2005, again at Mt. Victory's LS5, barn 2 and continuing through the 1st quarter of 2006.
- 32(k) Additional ammonia reduction analyses have been ongoing for the 3rd and 4th quarters of 2005 and will continue through the 1st quarter of 2006. Electrostatic analyses have been conducted at Mt. Victory, barn 2. Ag-Detox applications and analyses have been conducted at Mt. Victory's LS5, barn 2 for a period of two weeks and subsequently, alum applications and analyses has succeed in quarter 3 of 2005, again at Mt. Victory's LS5, barn 2 and continuing through the 1st quarter of 2006.

I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.

Sincerely,

Ohio Fresh Eggs, LLC

By: 

Cale Ayres
Environmental Compliance

cc: Mr. Donald C. Hershey
Brian M. Babb, Esq.
Mr. Harry Palmer

1257809.2

Layer Site 1 – Croton
4th Quarter 2005
Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (a)(b)(l)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 12/31/05 | Breed W-96/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--------------------------------------|----------------------------|-------------------------|--|
| 1 | 10/25/03 | | 0 | - | - | - |
| 3 | 6/19/04 | | 0 | - | - | - |
| 5 | 10/30/04 | | 0 | - | - | - |
| 7 | 10/30/04 | | 0 | - | - | - |
| 9 | 3/27/04 | | 0 | - | - | - |
| 11 | 5/22/04 | | 0 | - | - | - |
| 13 | 11/6/04 | | 0 | - | - | - |
| 13A | | | 93,486 | W-36 | New | No |
| 2 | 1/10/04 | 7/16/04 | 161,234 | W-36 | New | No |
| 4 | 9/2000 | 9/13/04 | 155,153 | W-36 | New | No |
| 6 | 9/2000 | 10/11/04 | 159,353 | W-36 | New | No |
| 8 | 9/2000 | 10/29/04 | 159,394 | W-36 | New | No |
| 10 | 9/2000 | 4/16/05 | 163,089 | W-36 | New | No |
| 12 | 9/2000 | 6/25/05 | 158,337 | W-36 | New | No |
| 14 | 9/2000 | 7/9/05 | 155,812 | W-36 | New | No |
| 14B | | | 92,921 | W-36 | New | No |

Layer Site 2 – Croton
4th Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 12/31/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--------------------------------------|----------------------------|-------------------------|--|
| 15 | 4/16/05 | | 0 | - | - | - |
| 17 | 6/18/05 | | 0 | - | - | - |
| 19 | 1/15/05 | | 0 | - | - | - |
| 21 | 9/18/04 | | 0 | - | - | - |
| 23 | 2/12/05 | | 0 | - | - | - |
| 25 | 3/12/05 | | 0 | - | - | - |
| 27 | 8/20/05 | | 0 | - | - | - |
| 27A | 8/20/05 | | 0 | - | - | - |
| 16 | 8/20/05 | | 0 | - | - | - |
| 18 | 6/18/05 | | 0 | - | - | - |
| 20 | 8/20/05 | | 0 | - | - | - |
| 22 | 3/5/05 | | 0 | - | - | - |
| 24 | 8/20/05 | | 0 | - | - | - |
| 26 | 6/11/05 | | 0 | - | - | - |
| 28 | 8/20/05 | | 0 | - | - | - |
| 28B | 8/20/05 | | 0 | - | - | - |

Layer Site 3 – Croton
4th Quarter 2005

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 12/31/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--------------------------------------|----------------------------|-------------------------|--|
| 29 | 9/3/05 | | 0 | - | - | - |
| 31 | 10/16/04 | | 0 | - | - | - |
| 33 | 9/3/05 | | 0 | - | - | - |
| 35 | 9/17/05 | | 0 | - | - | - |
| 37 | 9/24/05 | | 0 | - | - | - |
| 39 | 9/10/05 | | 0 | - | - | - |
| 41 | 11/20/04 | | 0 | - | - | - |
| 41A | 10/1/05 | | 0 | - | - | - |
| 30 | 9/10/05 | | 0 | - | - | - |
| 32 | 10/1/05 | | 0 | - | - | - |
| 34 | 9/24/05 | | 0 | - | - | - |
| 36 | 12/4/04 | | 0 | - | - | - |
| 38 | 9/10/05 | | 0 | - | - | - |
| 40 | 10/9/04 | | 0 | - | - | - |
| 42 | 10/1/05 | | 0 | - | - | - |
| 42B | 10/1/05 | | 0 | - | - | - |

Layer Site 4 – Croton
4th Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population as of 12/31/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--------------------------------------|----------------------------|-------------------------|--|
| 43 | 9/2000 | 8/11/01 | 99,833 | W-36 | New | No |
| 45 | 9/2000 | 8/18/01 | 108,746 | W-36 | New | No |
| 47 | 9/2000 | 8/25/01 | 93,894 | W-36 | New | No |
| 49 | 9/2000 | 9/8/01 | 99,067 | W-36 | New | No |
| 51 | 9/2000 | 9/15/01 | 96,090 | W-36 | New | No |
| 53 | 9/2000 | 10/6/01 | 96,917 | W-36 | New | No |
| 55 | | | 60,997 | W-36 | New | No |
| 55A | | | 94,748 | W-36 | New | No |
| 44 | 9/2000 | 12/3/05 | 161,367 | W-36 | New | No |
| 46 | 1/10/04 | 12/17/05 | 161,711 | W-36 | New | No |
| 48 | 2/14/04 | 12/17/05 | 161,403 | W-36 | New | No |
| 50 | 8/4/04 | ~1/06 | - | - | - | - |
| 52 | 2/22/04 | ~4/06 | - | - | - | - |
| 54 | 9/2000 | ~5/06 | - | - | - | - |
| 56 | 9/2000 | ~5/06 | - | - | - | - |
| 56B | | | 96,258 | W-36 | New | No |

Layer Site 5 – Mt. Victory
4th Quarter 2005

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (c)(i)(k))

| Barn | PM Impaction System ~ Installation Date | Population as of 12/31/05 | Breed W-98/W-36 | Feed New/Old | Additive Application |
|-------------|--|--------------------------------------|----------------------------|-------------------------|---------------------------------|
| 1 | | 158,131 | W-36 | New | No |
| 2 | Removed January 2005 | 157,848 | W-36 | New | No |
| 3 | | 158,264 | W-36 | New | No |
| 4 | | 155,219 | W-36 | New | No |
| 5 | | 156,943 | W-36 | New | No |
| 6 | | 154,004 | W-36 | New | No |
| 7 | | 160,404 | W-36 | New | No |
| 9 | | 155,920 | W-36 | New | No |
| 10 | | 157,654 | W-36 | New | No |
| 11 | | 149,214 | W-36 | New | No |
| 12 | | 150,736 | W-36 | New | No |
| 13 | | 156,589 | W-36 | New | No |
| 14 | | 157,321 | W-36 | New | No |
| 15 | | 160,695 | W-36 | New | No |

Layer Site 6 – Marseilles
4th Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(i)(k)}

| Barn | PM Impaction System ~ Installation Date | Population as of 12/31/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|--|--------------------------------------|----------------------------|-------------------------|--|
| 1 | | 159,328 | W-36 | New | No |
| 2 | | 156,906 | W-36 | New | No |
| 3 | | 159,593 | W-36 | New | No |
| 4 | | 158,596 | W-36 | New | No |
| 5 | | 158,659 | W-36 | New | No |
| 6 | | 160,629 | W-36 | New | No |
| 7 | | 160,544 | W-36 | New | No |
| 8 | | 157,131 | W-36 | New | No |
| 9 | | 161,423 | W-36 | New | No |
| 10 | | 160,886 | W-36 | New | No |
| 11 | | 158,931 | W-36 | New | No |
| 12 | | 157,712 | W-36 | New | No |
| 13 | | 157,326 | W-36 | New | No |
| 14 | | 157,429 | W-36 | New | No |
| 15 | | 158,585 | W-36 | New | No |
| 16 | | 159,271 | W-36 | New | No |



January 28, 2005

Compliance Tracker
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5, AE-17J
77 West Jackson Boulevard
Chicago, Illinois 60604

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
RE: DOJ No. 90-11-2-06089

Director, Office of Regulatory Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Mailcode 2241A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

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AIR ENFORCEMENT BRANCH
U.S. EPA, REGION 5

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report is submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

32(c) Particulate Impaction System installation has been installed in the test house at Mt. Victory.

32(d) See Attachment labeled "Ohio Fresh Eggs Silsoe Testing – Inspection/maintenance Log."

32(e) See Attachment labeled "Ohio Fresh Eggs Silsoe Testing – Inspection/maintenance Log."

- 32(f) See Attachment labeled "Ohio Fresh Eggs Silsoe Testing – Inspection/maintenance Log."
- 32(g) There have been observed moisture elevations upon the surface of the manure in the barn with the Particulate Impaction System.
- 32(h) Exhaust or ventilation fan operational data is being submitted via Purdue University – Dr. Hebers' monthly update.
- 32(i) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) No additional PM reduction practices have been implemented during prior reporting period, except that a new type of feed, that has higher oil or fat content, which is expected to reduce dust, is being used.
- 32(k) A continuous feed additive to control ammonia emissions was used in the prior reporting period. The mineral additive from Rose Acre is being used in barn 2 at the Mt. Victory facility beginning on December 1, 2004.

I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.

Sincerely,

Ohio Fresh Eggs, LLC

By: 
Cary Ayres
Environmental Compliance

cc: Mr. Donald C. Hershey
Mr. Ronald Flory
Brian M. Babb, Esq.

1257809.2

Layer Site 1 – Croton
4th Quarter 2004

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 12/25/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--------------------------------------|----------------------------|-------------------------|--|
| 1 | 10/25/03 | | - | - | - | - |
| 3 | 6/19/04 | | - | - | - | - |
| 5 | 10/30/04 | | - | - | - | - |
| 7 | 10/30/04 | | - | - | - | - |
| 9 | 3/27/04 | | - | - | - | - |
| 11 | 5/22/04 | | - | - | - | - |
| 13 | 11/6/04 | | - | - | - | - |
| 13A | - | - | 97,273 | W-36 | New | No |
| 2 | 1/10/04 | 7/16/04 | 166,197 | W-36 | New | No |
| 4 | 9/2000 | 9/13/04 | 166,448 | W-36 | New | No |
| 6 | 9/2000 | 10/11/04 | 166,487 | W-36 | New | No |
| 8 | 9/2000 | 10/29/04 | 166,878 | W-36 | New | No |
| 10 | 9/2000 | ~2/05 | - | - | - | - |
| 12 | 9/2000 | ~3/05 | - | - | - | - |
| 14 | 9/2000 | | - | - | - | - |
| 14B | | | 97,044 | W-36 | New | No |

Layer Site 2 – Croton

4th Quarter 2004

Consent Decree 3:03 CV 7681 Update (Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 12/25/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--------------------------------------|----------------------------|-------------------------|--|
| 15 | | | 67,282 | W-98 | New | No |
| 17 | | | 66,542 | W-36 | New | No |
| 19 | | | 62,388 | W-98 | New | No |
| 21 | | | - | - | - | - |
| 23 | | | 62,123 | W-98 | New | No |
| 25 | | | 66,039 | W-98 | New | No |
| 27 | | | - | - | - | - |
| 27A | | | 96,984 | W-36 | New | No |
| 16 | | | 64,152 | W-98 | New | No |
| 18 | | | 66,581 | W-36 | New | No |
| 20 | | | 59,096 | W-98 | New | No |
| 22 | | | 65,680 | W-98 | New | No |
| 24 | - | - | 68,625 | W-36 | New | No |
| 26 | | | 65,514 | W-98 | New | No |
| 28 | | | 65,162 | W-98 | New | No |
| 28B | | | - | - | - | - |

Layer Site 3 – Croton
4th Quarter 2004

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32 (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 12/25/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--------------------------------------|----------------------------|-------------------------|--|
| 29 | | | 67,377 | W-36 | New | No |
| 31 | | | - | - | - | - |
| 33 | | | 67,045 | W-36 | New | No |
| 35 | | | 68,200 | W-36 | New | No |
| 37 | - | - | 68,531 | W-36 | New | No |
| 39 | | | 67,580 | W-36 | New | No |
| 41 | | | - | - | - | - |
| 41A | | | 97,205 | W-36 | New | No |
| 30 | | | 67,968 | W-36 | New | No |
| 32 | | | 65,134 | W-98 | New | No |
| 34 | | | 68,593 | W-98 | New | No |
| 36 | | | - | - | - | - |
| 38 | | | 67,408 | W-36 | New | No |
| 40 | | | - | - | - | - |
| 42 | | | 68,682 | W-36 | New | No |
| 42B | | | 70,126 | W-98 | New | No |

Layer Site 4 – Croton
4th Quarter 2004

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population as of 12/25/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--------------------------------------|----------------------------|-------------------------|--|
| 43 | 9/2000 | 8/11/01 | 100,836 | W-98 | New | No |
| 45 | 9/2000 | 8/18/01 | 86,609 | W-36 | New | No |
| 47 | 9/2000 | 8/25/01 | 101,119 | W-36 | New | No |
| 49 | 9/2000 | 9/8/01 | 98,728 | W-98 | New | No |
| 51 | 9/2000 | 9/15/01 | 101,355 | W-36 | New | No |
| 53 | 9/2000 | 10/6/01 | 101,551 | W-36 | New | No |
| 55 | | | 67,650 | W-36 | New | No |
| 55A | | | - | - | - | - |
| 44 | 9/2000 | ~2/05 | - | - | - | - |
| 46 | 1/10/04 | ~3/05 | - | - | - | - |
| 48 | 2/14/04 | | - | - | - | - |
| 50 | 8/4/04 | | - | - | - | - |
| 52 | 2/22/04 | | - | - | - | - |
| 54 | 9/2000 | | - | - | - | - |
| 56 | 9/2000 | | - | - | - | - |
| 56B | | | - | - | - | - |

Layer Site 5 – Mt. Victory

4th Quarter 2004

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (c)(i)(k))

| Barn | PM Impaction System ~ Installation Date | Population as of 12/25/04 | Breed W-98/W-36 | Feed New/Old | Additive Application |
|-------------|--|--------------------------------------|----------------------------|-------------------------|---------------------------------|
| 1 | | 148,156 | W-98 | New | No |
| 2 | 3 rd Quarter 2004 | 162,433 | W-36 | New | Yes |
| 3 | | 162,280 | W-36 | New | No |
| 4 | | 162,846 | W-36 | New | No |
| 5 | | 149,863 | W-98 | New | No |
| 6 | | 162,174 | W-98 | New | No |
| 7 | | 158,298 | W-98 | New | No |
| 9 | | - | - | - | - |
| 10 | | 157,214 | W-36 | New | No |
| 11 | | 162,171 | W-36 | New | No |
| 12 | | 162,326 | W-36 | New | No |
| 13 | | 155,347 | W-98 | New | No |
| 14 | | 152,039 | W-98 | New | No |
| 15 | | 159,386 | W-98 | New | No |

Layer Site 6 – Marseilles

3rd Quarter 2004

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (c)(1)(k))

| Barn | PM Impaction System - Installation Date | Population as of 9/27/04 | Breed W-98/W-36 | Feed New/Cld | Enzyme Weekly Application |
|------|---|-----------------------------|--------------------|-----------------|---------------------------------|
| 1 | | 164,569 | W-98 | New | No |
| 2 | | 164,194 | W-98 | New | No |
| 3 | | 166,124 | W-98 | New | No |
| 4 | | 155,291 | W-98 | New | No |
| 5 | | 157,386 | W-98 | New | No |
| 6 | | 156,467 | W-98 | New | No |
| 7 | | 158,174 | W-98 | New | No |
| 8 | | - | - | - | - |
| 9 | | 157,315 | W-98 | New | No |
| 10 | | 156,994 | W-98 | New | No |
| 11 | | 157,131 | W-36 | New | No |
| 12 | | 157,259 | W-98 | New | No |
| 13 | | 157,714 | W-98 | New | No |
| 14 | | 157,184 | W-36 | New | No |
| 15 | | 156,835 | W-36 | New | No |
| 16 | | 159,681 | W-36 | New | No |

**OHIO FRESH EGGS
SILSOE TESTING - INSPECTION/MAINTENANCE FORM**

In order for Purdue and OSU to properly test and evaluate ammonia and particulate matter emissions, they need to know about changes in and around the barns that affect the data that is being collected. Notes of such changes will help them better evaluate this data. Examples of changes that should be noted are: molting, fan failures, barn cleaning operations, major water leaks, power interruptions, generator tests, manure removals, diet changes, extreme weather, curtain maintenance, etc. Thank you!

| Description of Event | Date and time | | Initials |
|---|---------------|----------|----------|
| | Start | End | |
| 9/13/04 CURTAIN MAINTENANCE | 7:40 AM | 8:22 AM | D.F. |
| 9/14/04 " " | 7:30 AM | 7:45 AM | D.F. |
| 9/14/04 " " | 11:00 AM | 11:37 AM | D.F. |
| TWO LARGE WATER LEAKS (1) AT ROW 6, RIGHT SIDE, BAY 43 (1) AT ROW 1, RIGHT SIDE, BAY 1, CAUSED BY MISSING EXTENSION ON VENT PIPES. WATER WILL ONLY LEAK AT NIGHT WHEN WATER LEVEL RETURNS TO NORMAL DUE TO NO DEMAND FROM BIRDS. REPAIRED 9/14/04 BY D.F. | | | |
| 9/17/04 CURTAIN MAINTENANCE | 7:30 AM | 7:45 AM | D.F. |
| 9/21/04 ✓ CURTAIN | 7:37 AM | 7:55 AM | D.F. |
| 9/22/04 " " | 7:22 AM | 7:42 AM | D.F. |
| 9/23/04 " " | 7:30 AM | 7:48 AM | D.F. |
| 9/28/04 " " | 7:50 AM | 8:07 AM | D.F. |
| 9/29/04 " " | 7:35 AM | 7:55 AM | D.F. |
| 10/1/04 " " | 7:20 AM | 7:40 AM | D.F. |
| 10/4/04 " " | 7:25 AM | 7:40 AM | D.F. |
| 10/5/04 " " | 7:35 AM | 7:40 AM | D.F. |
| 10-6-04 | 7:15 | 7:15 | W.F. |
| 10/7/04 " " | 7:40 | 7:55 | D.F. |
| 10/8/04 " " | 7:25 | 7:50 | D.F. |
| 10/11/04 " " | 7:25 | 7:42 | D.F. |
| 10/12/04 " " | 7:30 | 7:40 | D.F. |
| 10/13/04 " " | 7:24 | 7:37 | D.F. |
| 10/14/04 " " | 7:13 | 7:55 | D.F. |
| 10/19/04 " " | 10:32 | 10:45 | D.F. |
| 10/20/04 " " | 7:30 | 7:45 | D.F. |
| 10/22/04 " " | 7:10 | 7:25 | D.F. |
| 10/25/04 " " | 7:05 | 7:20 | D.F. |
| 10/25/04 WATER LEAKS NOT BEING TAKEN CARE OF LEAK COLLECTOR 7 BAY 3; TWO WKS OLD! | 7:05 | 7:40 | D.F. |
| 10/27/04 ✓ CURTAIN SEVERAL LRG. WET SPOTS BETWEEN COL. 7 & 8 W. SIDE OF HOUSE | 7:05 | 7:20 | D.F. |
| 10/28/04 ✓ CURTAIN | 7:05 | | D.F. |
| 10/29/04 " " | | | |
| LEAK IN ROW 7 REPORTED TO FARM MAN. | | | D.F. |
| 1ST OF WEEK STILL NOT REPAIRED | | | D.F. |

SILSOE TESTING - INSPECTION/MAINTENANCE FORM

In order for Purdue and OSU to properly test and evaluate ammonia and particulate matter emissions, they need to know about changes in and around the barns that affect the data that is being collected. Notes of such changes will help them better evaluate this data. Examples of changes that should be noted are: molting, fan failures, barn cleaning operations, major water leaks, power interruptions, generator tests, manure removals, diet changes, extreme weather, curtain maintenance, etc. Thank you!

| Description of Event | Date and time | | Initials |
|---|---------------|--------|----------|
| | Start | End | |
| CHECK CURTAIN 11/1/04 | 7:00 A | 7:20 A | D.F. |
| CHECK CURTAIN 11-3/04 | 7:00 A | 7:20 A | DF |
| 11/5/04 CHECK CURTAIN | 7:10 A | 7:30 A | D.F. |
| 11/8/04 " | 7:10 A | 7:25 A | D.F. |
| 11/15/04 " | 7:00 A | 7:15 A | DF |
| FOUND 1 HOLE IN PLASTIC EAST SIDE, JUST PAST CENTER TOWARDS BACK 11/16/04 D.F. | 2:30 P | 2:35 P | DF |
| CHECK CURTAIN 11/16/04 | 7:00 A | 7:15 A | DF |
| " 11/17/04 | 7:00 A | 7:20 A | D.F. |
| 11/18/04 REPAIRED HOLE IN PLASTIC BAY 10 E. SIDE | 7:00 A. | 7:40 A | DF |
| 11/19/04 FAN CREW WORKING IN HOUSE, PUT HOLES IN FILTERS, REPAIR SUGGESTED WHEN CREW IS FINISHED | 7:00 A | 7:15 A | D.F. |
| 11/20/04 ✓ D CURTAIN STRAIGHTENED OUT SOME OF HOLES LEFT BY FAN CREW | 7:00 A | 7:30 A | D.F. |
| 11/29/04 ✓ D CURTAIN, STILL HAS HOLES FROM FAN CREW | 7:00 A | 7:20 A | D.F. |
| ✓ D CURTAIN | 7:10 A | 7:25 A | D.F. |
| ✓ D CURTAIN | 7:00 A | 7:15 A | D.F. |
| ✓ D CURTAIN 12/1/0 | 7:00 A | 7:20 A | DF |



May 1, 2006

Compliance Tracker
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5, AE-17J
77 West Jackson Boulevard
Chicago, Illinois 60604

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
RE: DOJ No. 90-11-2-06089

Director, Office of Regulatory Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Mailcode 2241A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

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MAY 05 2006
AIR ENFORCEMENT BRANCH,
U.S. EPA, REGION 5

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report is submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

- 32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

- 32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

- 32(c) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005.

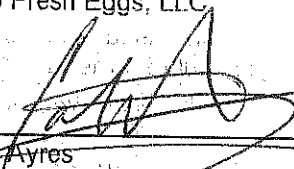
- 32(d) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. Visual inspection or dust removal associated with the Particulate Impaction System has ceased as of January 2005.

- 32(e) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No dust removal or disposal has occurred since the Particulate Impaction System has been removed.
- 32(f) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No maintenance, repair, or replacement of Particulate Impaction System has occurred since the system has been removed.
- 32(g) Particulate Impaction System has been removed from the test house at Mt. Victory.
- 32(h) Exhaust or ventilation fan operational data is being submitted via Purdue University – Dr. Hebers' updates.
- 32(i) See attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) Additional PM reduction analyses have been ongoing for the 3rd and 4th quarters of 2005 and will continue through the 1st quarter of 2006. Electrostatic analyses have been conducted at Mt. Victory, barn 2. Ag-Detox applications and analyses have been conducted at Mt. Victory's LS5, barn 2 for a period of two weeks and subsequently, alum applications and analyses has succeed in quarter 3 of 2005, again at Mt. Victory's LS5, barn 2 and has continued through the 1st quarter of 2006.
- 32(k) Additional ammonia reduction analyses have been ongoing for the 3rd and 4th quarters of 2005 and will continue through the 1st quarter of 2006. Electrostatic analyses have been conducted at Mt. Victory, barn 2. Ag-Detox applications and analyses have been conducted at Mt. Victory's LS5, barn 2 for a period of two weeks and subsequently, alum applications and analyses has succeed in quarter 3 of 2005, again at Mt. Victory's LS5, barn 2 and has continued through the 1st quarter of 2006.

I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.

Sincerely,

Ohio Fresh Eggs, LLC

By: 
Cale Ayres
Environmental Compliance

cc: Mr. Donald C. Hershey
Brian M. Babb, Esq.
Mr. Harry Palmer

1257809.2

Layer Site 1 – Croton
1st Quarter 2006

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (a)(b)(i)(k))

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| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 3/25/06 | Breed W-98/W-36 | Feed New/Old | Enzyme Application |
|------|--|---|-----------------------------|--------------------|-----------------|-----------------------|
| 1 | 10/25/03 | | 0 | - | - | - |
| 3 | 6/19/04 | | 0 | - | - | - |
| 5 | 10/30/04 | | 0 | - | - | - |
| 7 | 10/30/04 | | 0 | - | - | - |
| 9 | 3/27/04 | | 0 | - | - | - |
| 11 | 5/22/04 | | 0 | - | - | - |
| 13 | 11/6/04 | | 0 | - | - | - |
| 13A | | | 90,435 | W-36 | New | No |
| 2 | 1/10/04 | 7/16/04 | 160,547 | W-36 | New | No |
| 4 | 9/2000 | 9/13/04 | 161,219 | W-36 | New | No |
| 6 | 9/2000 | 10/11/04 | 78,934 | W-36 | New | No |
| 8 | 9/2000 | 10/29/04 | 154,216 | W-36 | New | No |
| 10 | 9/2000 | 4/16/05 | 161,436 | W-36 | New | No |
| 12 | 9/2000 | 6/25/05 | 157,062 | W-36 | New | No |
| 14 | 9/2000 | 7/9/05 | 155,020 | W-36 | New | No |
| 14B | | | 93,711 | W-36 | New | No |

Layer Site 2 – Croton
1st Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 3/25/06 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|------|--|---|-----------------------------|--------------------|-----------------|---------------------------------|
| 15 | 4/16/05 | | 0 | - | - | - |
| 17 | 6/18/05 | | 0 | - | - | - |
| 19 | 1/15/05 | | 0 | - | - | - |
| 21 | 9/18/04 | | 0 | - | - | - |
| 23 | 2/12/05 | | 0 | - | - | - |
| 25 | 3/12/05 | | 0 | - | - | - |
| 27 | 8/20/05 | | 0 | - | - | - |
| 27A | 8/20/05 | | 0 | - | - | - |
| 16 | 8/20/05 | | 0 | - | - | - |
| 18 | 6/18/05 | | 0 | - | - | - |
| 20 | 8/20/05 | | 0 | - | - | - |
| 22 | 3/5/05 | | 0 | - | - | - |
| 24 | 8/20/05 | | 0 | - | - | - |
| 26 | 6/11/05 | | 0 | - | - | - |
| 28 | 8/20/05 | | 0 | - | - | - |
| 28B | 8/20/05 | | 0 | - | - | - |

Layer Site 3 – Croton
1st Quarter 2006

Consent Decree 3:03 CV 7681 Update (Attachment A-III. Reporting Obligations 32 (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 3/25/06 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|------|--|---|-----------------------------|--------------------|-----------------|---------------------------------|
| 29 | 9/3/05 | | 0 | - | - | - |
| 31 | 10/16/04 | | 0 | - | - | - |
| 33 | 9/3/05 | | 0 | - | - | - |
| 35 | 9/17/05 | | 0 | - | - | - |
| 37 | 9/24/05 | | 0 | - | - | - |
| 39 | 9/10/05 | | 0 | - | - | - |
| 41 | 11/20/04 | | 0 | - | - | - |
| 41A | 10/1/05 | | 0 | - | - | - |
| 30 | 9/10/05 | | 0 | - | - | - |
| 32 | 10/1/05 | | 0 | - | - | - |
| 34 | 9/24/05 | | 0 | - | - | - |
| 36 | 12/4/04 | | 0 | - | - | - |
| 38 | 9/10/05 | | 0 | - | - | - |
| 40 | 10/9/04 | | 0 | - | - | - |
| 42 | 10/1/05 | | 0 | - | - | - |
| 42B | 10/1/05 | | 0 | - | - | - |

Layer Site 4 – Croton
1st Quarter 2006

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population as of 3/25/06 | Breed W-36/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|-------------------------------------|----------------------------|-------------------------|--|
| 43 | 9/2000 | 8/11/01 | 99,052 | W-36 | New | No |
| 45 | 9/2000 | 8/18/01 | 107,635 | W-36 | New | No |
| 47 | 9/2000 | 8/25/01 | 0 | W-36 | New | No |
| 49 | 9/2000 | 9/8/01 | 98,040 | W-36 | New | No |
| 51 | 9/2000 | 9/15/01 | 109,346 | W-36 | New | No |
| 53 | 9/2000 | 10/6/01 | 0 | W-36 | New | No |
| 55 | 2/4/06 | | 0 | W-36 | New | No |
| 55A | | | 93,476 | W-36 | New | No |
| 44 | 9/2000 | 12/3/05 | 160,931 | W-36 | New | No |
| 46 | 1/10/04 | 12/17/05 | 161,315 | W-36 | New | No |
| 48 | 2/14/04 | 12/17/05 | 160,777 | W-36 | New | No |
| 50 | 8/4/04 | 1/12/06 | 161,362 | W-36 | New | No |
| 52 | 2/22/04 | ~4/06 | - | - | - | - |
| 54 | 9/2000 | ~5/06 | - | - | - | - |
| 56 | 9/2000 | ~5/06 | - | - | - | - |
| 56B | | | 95,583 | W-36 | New | No |

Layer Site 5 – Mt. Victory
1st Quarter 2006

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (c)(1)(k))

| Barn | PM Impaction System ~ Installation Date | Population as of 3/25/06 | Breed W-98/W-36 | Feed New/Old | Additive Application |
|-------------|--|-------------------------------------|----------------------------|-------------------------|---------------------------------|
| 1 | | 154,282 | W-36 | New | No |
| 2 | Removed January 2005 | 156,817 | W-36 | New | No |
| 3 | | 157,389 | W-36 | New | No |
| 4 | | 157,629 | W-36 | New | No |
| 5 | | 153,651 | W-36 | New | No |
| 6 | | 157,234 | W-36 | New | No |
| 7 | | 158,518 | W-36 | New | No |
| 9 | | 152,605 | W-36 | New | No |
| 10 | | 156,782 | W-36 | New | No |
| 11 | | 0 | W-36 | New | No |
| 12 | | 157,208 | W-36 | New | No |
| 13 | | 153,996 | W-36 | New | No |
| 14 | | 153,795 | W-36 | New | No |
| 15 | | 157,754 | W-36 | New | No |

Layer Site 6 – Marseilles

1st Quarter 2006

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (c)(1)(k))

| Barn | PM Impaction System - Installatic - Date | Population as of 3/25/06 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|-------------------------------------|----------------------------|-------------------------|--|
| 1 | | 157,157 | W-36 | New | No |
| 2 | | 154,401 | W-36 | New | No |
| 3 | | 158,105 | W-36 | New | No |
| 4 | | 157,870 | W-36 | New | No |
| 5 | | 156,896 | W-36 | New | No |
| 6 | | 159,170 | W-36 | New | No |
| 7 | | 159,053 | W-36 | New | No |
| 8 | | 54,874 | W-36 | New | No |
| 9 | | 160,011 | W-36 | New | No |
| 10 | | 159,678 | W-36 | New | No |
| 11 | | 157,859 | W-36 | New | No |
| 12 | | 156,618 | W-36 | New | No |
| 13 | | 155,550 | W-36 | New | No |
| 14 | | 155,699 | W-36 | New | No |
| 15 | | 157,501 | W-36 | New | No |
| 16 | | 158,179 | W-36 | New | No |



October 31, 2005

Compliance Tracker
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5, AE-17J
77 West Jackson Boulevard
Chicago, Illinois 60604

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
RE: DOJ No. 90-11-2-06089

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AIR ENFORCEMENT BRANCH
U.S. EPA, REGION 5

Director, Office of Regulatory Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Mailcode 2241A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report is submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

32(c) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005.

32(d) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. Visual inspection or dust removal associated with the Particulate Impaction System has ceased as of January 2005.

- 32(e) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No dust removal or disposal has occurred since the Particulate Impaction System has been removed.
- 32(f) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No maintenance, repair, or replacement of Particulate Impaction System has occurred since the system has been removed.
- 32(g) The reported moisture elevations in the manure at Mt. Victory LS5, barn 2 has decreased given that the Particulate Impaction System and manure have been removed. See attachment labeled "% Moisture Mt. Victory LS 5 Barn 2."
- 32(h) Exhaust or ventilation fan operational data is being submitted via Purdue University – Dr. Hebers' updates.
- 32(i) See attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) Additional PM reduction analyses have been ongoing for the 3rd and 4th quarters of 2005 and will continue through the 1st quarter of 2006. Electrostatic analyses have been conducted at Mt. Victory, barn 2. Ag-Detox applications and analyses have been conducted at Mt. Victory's LS5, barn 2 for a period of two weeks and subsequently, alum applications and analyses has succeed in quarter 3 of 2005, again at Mt. Victory's LS5, barn 2.
- 32(k) Additional ammonia reduction analyses have been ongoing for the 3rd and 4th quarters of 2005 and will continue through the 1st quarter of 2006. Electrostatic analyses have been conducted at Mt. Victory, barn 2. Ag-Detox applications and analyses have been conducted at Mt. Victory's LS5, barn 2 for a period of two weeks and subsequently, alum applications and analyses has succeed in quarter 3 of 2005, again at Mt. Victory's LS5, barn 2.

I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.

Sincerely,

Ohio Fresh Eggs, LLC

By. 

Cale Ayres

Environmental Compliance

cc: Mr. Donald C. Hershey
Mr. Ronald Flory
Brian M. Babb, Esq.
Mr. Harry Palmer

1257809.2

Layer Site 1 – Croton
3rd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 10/1/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|-------------------------------------|----------------------------|-------------------------|--|
| 1 | 10/25/03 | | 0 | - | - | - |
| 3 | 6/19/04 | | 0 | - | - | - |
| 5 | 10/30/04 | | 0 | - | - | - |
| 7 | 10/30/04 | | 0 | - | - | - |
| 9 | 3/27/04 | | 0 | - | - | - |
| 11 | 5/22/04 | | 0 | - | - | - |
| 13 | 11/6/04 | | 0 | - | - | - |
| 13A | | | 94,913 | W-36 | New | No |
| 2 | 1/10/04 | 7/16/04 | 161,959 | W-36 | New | No |
| 4 | 9/2000 | 9/13/04 | 158,585 | W-36 | New | No |
| 6 | 9/2000 | 10/11/04 | 162,611 | W-36 | New | No |
| 8 | 9/2000 | 10/29/04 | 162,387 | W-36 | New | No |
| 10 | 9/2000 | 4/16/05 | 164,312 | W-36 | New | No |
| 12 | 9/2000 | 6/25/05 | 159,102 | W-36 | New | No |
| 14 | 9/2000 | 7/9/05 | 156,308 | W-36 | New | No |
| 14B | | | 94,631 | W-36 | New | No |

Layer Site 2 – Croton
3rd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 10/1/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|-------------------------------------|----------------------------|-------------------------|--|
| 15 | 4/16/05 | | 0 | - | - | - |
| 17 | 6/18/05 | | 0 | - | - | - |
| 19 | 1/15/05 | | 0 | - | - | - |
| 21 | 9/18/04 | | 0 | - | - | - |
| 23 | 2/12/05 | | 0 | - | - | - |
| 25 | 3/12/05 | | 0 | - | - | - |
| 27 | 8/20/05 | | 0 | - | - | - |
| 27A | 8/20/05 | | 0 | - | - | - |
| 16 | 8/20/05 | | 0 | - | - | - |
| 18 | 6/18/05 | | 0 | - | - | - |
| 20 | 8/20/05 | | 0 | - | - | - |
| 22 | 3/5/05 | | 0 | - | - | - |
| 24 | 8/20/05 | | 0 | - | - | - |
| 26 | 6/11/05 | | 0 | - | - | - |
| 28 | 8/20/05 | | 0 | - | - | - |
| 28B | 8/20/05 | | 0 | - | - | - |

Layer Site 3 – Croton
3rd Quarter 2005

Consent Decree 3:03 CV 7681 Update (Attachment A-III. Reporting Obligations 32 (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 10/1/05 | Breed W-96/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|-------------------------------------|----------------------------|-------------------------|--|
| 29 | 9/3/05 | | 0 | - | - | - |
| 31 | 10/16/04 | | 0 | - | - | - |
| 33 | 9/3/05 | | 0 | - | - | - |
| 35 | 9/17/05 | | 0 | - | - | - |
| 37 | 9/24/05 | | 0 | - | - | - |
| 39 | 9/10/05 | | 0 | - | - | - |
| 41 | 11/20/04 | | 0 | - | - | - |
| 41A | 10/1/05 | | 0 | - | - | - |
| 30 | 9/10/05 | | 0 | - | - | - |
| 32 | 10/1/05 | | 0 | - | - | - |
| 34 | 9/24/05 | | 0 | - | - | - |
| 36 | 12/4/04 | | 0 | - | - | - |
| 38 | 9/10/05 | | 0 | - | - | - |
| 40 | 10/9/04 | | 0 | - | - | - |
| 42 | 10/1/05 | | 0 | - | - | - |
| 42B | 10/1/05 | | 0 | - | - | - |

Layer Site 4 – Croton

3rd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(l)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population as of 10/1/05 | Breed W-96/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|-------------------------------------|----------------------------|-------------------------|--|
| 43 | 9/2000 | 8/11/01 | 100,433 | W-36 | New | No |
| 45 | 9/2000 | 8/18/01 | 98,306 | W-36 | New | No |
| 47 | 9/2000 | 8/25/01 | 97,109 | W-36 | New | No |
| 49 | 9/2000 | 9/8/01 | 99,684 | W-36 | New | No |
| 51 | 9/2000 | 9/15/01 | 98,732 | W-36 | New | No |
| 53 | 9/2000 | 10/6/01 | 99,117 | W-36 | New | No |
| 55 | | | 63,739 | W-36 | New | No |
| 55A | | | 95,609 | W-36 | New | No |
| 44 | 9/2000 | ~11/05 | - | - | - | - |
| 46 | 1/10/04 | ~11/05 | - | - | - | - |
| 48 | 2/14/04 | ~11/05 | - | - | - | - |
| 50 | 8/4/04 | ~11/05 | - | - | - | - |
| 52 | 2/22/04 | ~12/05 | - | - | - | - |
| 54 | 9/2000 | ~12/05 | - | - | - | - |
| 56 | 9/2000 | ~12/05 | - | - | - | - |
| 56B | | | 96,651 | W-36 | New | No |

Layer Site 5 – Mt. Victory

3rd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(l)(k)}

| Barn | PM Impaction System - Installation Date | Population as of 10/2/05 | Breed W-98/W-36 | Feed New/Old | Additive Application |
|-------------|--|-------------------------------------|----------------------------|-------------------------|---------------------------------|
| 1 | | 158,311 | W-36 | New | No |
| 2 | Removed January 2005 | 152,173 | W-36 | New | No |
| 3 | | 156,213 | W-36 | New | No |
| 4 | | 157,769 | W-36 | New | No |
| 5 | | 158,599 | W-36 | New | No |
| 6 | | 157,621 | W-36 | New | No |
| 7 | | 161,770 | W-36 | New | No |
| 9 | | 157,847 | W-36 | New | No |
| 10 | | 144,990 | W-36 | New | No |
| 11 | | 154,748 | W-36 | New | No |
| 12 | | 155,651 | W-36 | New | No |
| 13 | | 158,602 | W-36 | New | No |
| 14 | | 159,147 | W-36 | New | No |
| 15 | | 162,229 | - | - | - |

Layer Site 6 – Marseilles

3rd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(l)(k)}

| Barn | PM Impaction System - Installation Date | Population as of 10/1/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|--|-------------------------------------|----------------------------|-------------------------|--|
| 1 | | 160,559 | W-36 | New | No |
| 2 | | 158,920 | W-36 | New | No |
| 3 | | 160,463 | W-36 | New | No |
| 4 | | 159,225 | W-36 | New | No |
| 5 | | 160,509 | W-36 | New | No |
| 6 | | 161,667 | W-36 | New | No |
| 7 | | 161,701 | W-36 | New | No |
| 8 | | 158,710 | W-36 | New | No |
| 9 | | 162,502 | W-36 | New | No |
| 10 | | 162,029 | W-98 | New | No |
| 11 | | 0 | - | - | - |
| 12 | | 158,959 | W-98 | New | No |
| 13 | | 158,966 | W-98 | New | No |
| 14 | | 159,030 | W-36 | New | No |
| 15 | | 159,657 | W-36 | New | No |
| 16 | | 148,974 | W-36 | New | No |

% Moisture
Mt. Victory
LS 5
Barn 2

| <u>Date Sampled</u> | <u>% Moisture</u> |
|---------------------|-------------------|
| 3/18/04 | 28.97% |
| 5/26/04 | 34.03% |
| 10/4/04 | 31.68% |
| 12/21/04 | 46.67% |
| 3/29/05 | 62.53% |
| 7/6/05 | 30.09% |
| 9/28/05 | 29.98% |

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August 1, 2005

Compliance Tracker ✓
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5, AE-17J
77 West Jackson Boulevard
Chicago, Illinois 60604

RECEIVED

AUG 05 2005

AIR ENFORCEMENT BRANCH
U.S. EPA, REGION 5

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
RE: DOJ No. 90-11-2-06089

Director, Office of Regulatory Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Mailcode 2241A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report is submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

- 32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

- 32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

- 32(c) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005.

- 32(d) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. Visual inspection or dust removal associated with the Particulate Impaction System has ceased as of January 2005.

- 32(e) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No dust removal or disposal has occurred since the Particulate Impaction System has been removed.
- 32(f) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No maintenance, repair, or replacement of Particulate Impaction System has occurred since the system has been removed.
- 32(g) The reported moisture elevations in the manure at Mt. Victory LS5, barn 2 has decreased given that the Particulate Impaction System and manure have been removed. See attachment labeled "% Moisture Mt. Victory LS 5 Barn 2."
- 32(h) Exhaust or ventilation fan operational data is being submitted via Purdue University – Dr. Hebers' monthly update.
- 32(i) See attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) Additional PM reduction analyses are scheduled for the 3rd and 4th quarters of 2005 and the 1st quarter of 2006; howbeit specific dates and times are not currently available. Electrostatic analyses will be conducted at Croton's LS1, barn 2. Ag-Detox applications and analyses will be conducted at Mt. Victory's LS5, barn 2 for a period of two weeks and subsequently, alum applications and analyses will be performed for 6 months, also at Mt. Victory's LS5, barn 2.
- 32(k) Additional ammonia reduction analyses are scheduled for the 3rd and 4th quarters of 2005 and the 1st quarter of 2006; howbeit specific dates and times are not currently available. Electrostatic analyses will be conducted at Croton's LS1, barn 2. Ag-Detox applications and analyses will be conducted at Mt. Victory's LS5, barn 2 for a period of two weeks and subsequently, alum applications and analyses will be performed for a period of six months, also at Mt. Victory's LS5, barn 2.

I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.

Sincerely,

Ohio Fresh Eggs, LLC

By: 
Cale Ayres
Environmental Compliance

cc: Mr. Donald C. Hershey
Mr. Ronald Flory
Brian M. Babb, Esq.
Mr. Harry Palmer

1257809.2

Layer Site 1 – Croton
2nd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 7/2/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|------------------------------------|----------------------------|-------------------------|--|
| 1 | 10/25/03 | | 0 | - | - | - |
| 3 | 6/19/04 | | 0 | - | - | - |
| 5 | 10/30/04 | | 0 | - | - | - |
| 7 | 10/30/04 | | 0 | - | - | - |
| 9 | 3/27/04 | | 0 | - | - | - |
| 11 | 5/22/04 | | 0 | - | - | - |
| 13 | 11/6/04 | | 0 | - | - | - |
| 13A | | | 95,667 | W-36 | New | No |
| 2 | 1/10/04 | 7/16/04 | 162,353 | W-36 | New | No |
| 4 | 9/2000 | 9/13/04 | 163,072 | W-36 | New | No |
| 6 | 9/2000 | 10/11/04 | 164,645 | W-36 | New | No |
| 8 | 9/2000 | 10/29/04 | 164,867 | W-36 | New | No |
| 10 | 9/2000 | 4/16/05 | 165,007 | W-36 | New | No |
| 12 | 9/2000 | 6/25/05 | 159,671 | W-36 | New | No |
| 14 | 9/2000 | ~7/05 | - | - | - | - |
| 14B | | | 95,552 | W-36 | New | No |

Layer Site 2 – Croton
2nd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 7/2/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|------------------------------------|----------------------------|-------------------------|--|
| 15 | 4/16/05 | | 0 | - | - | - |
| 17 | 6/18/05 | | 0 | - | - | - |
| 19 | 1/15/05 | | 0 | - | - | - |
| 21 | 9/18/04 | | 0 | - | - | - |
| 23 | 2/12/05 | | 0 | - | - | - |
| 25 | 3/12/05 | | 0 | - | - | - |
| 27 | | | 62,637 | W-36 | New | No |
| 27A | | | 94,764 | W-36 | New | No |
| 16 | | | 67,167 | W-36 | New | No |
| 18 | 6/18/05 | | 0 | - | - | - |
| 20 | | | 68,558 | W-36 | New | No |
| 22 | 3/5/05 | | 0 | - | - | - |
| 24 | | | 67,277 | W-36 | New | No |
| 26 | 6/11/05 | | 0 | - | - | - |
| 28 | | | 68,259 | W-36 | New | No |
| 28B | | | 96,618 | W-36 | New | No |

Layer Site 3 – Croton
2nd Quarter 2005

Consent Decree 3:03 CV 7681 Update (Attachment A-III. Reporting Obligations 32 (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population As of 7/2/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|------------------------------------|----------------------------|-------------------------|--|
| 29 | | | 65,313 | W-36 | New | No |
| 31 | 10/16/04 | | 0 | - | - | - |
| 33 | | | 64,021 | W-36 | New | No |
| 35 | | | 66,863 | W-36 | New | No |
| 37 | | | 65,976 | W-36 | New | No |
| 39 | | | 65,284 | W-36 | New | No |
| 41 | 11/20/04 | | 0 | - | - | - |
| 41A | | | 95,699 | W-36 | New | No |
| 30 | | | 66,218 | W-36 | New | No |
| 32 | | | 67,896 | W-36 | New | No |
| 34 | | | 66,769 | W-36 | New | No |
| 36 | 12/4/04 | | 0 | - | - | - |
| 38 | | | 64,858 | W-36 | New | No |
| 40 | 10/9/04 | | 0 | - | - | - |
| 42 | | | 66,747 | W-36 | New | No |
| 42B | | | 95,638 | W-36 | New | No |

Layer Site 4 – Croton
2nd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population as of 7/2/05 | Breed W-36/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|------------------------------------|----------------------------|-------------------------|--|
| 43 | 9/2000 | 8/11/01 | 100,999 | W-36 | New | No |
| 45 | 9/2000 | 8/18/01 | 0 | | | |
| 47 | 9/2000 | 8/25/01 | 98,768 | W-36 | New | No |
| 49 | 9/2000 | 9/8/01 | 100,165 | W-36 | New | No |
| 51 | 9/2000 | 9/15/01 | 99,925 | W-36 | New | No |
| 53 | 9/2000 | 10/6/01 | 100,389 | W-36 | New | No |
| 55 | | | 65,328 | W-36 | New | No |
| 55A | | | 96,318 | W-36 | New | No |
| 44 | 9/2000 | ~8/05 | - | - | - | - |
| 46 | 1/10/04 | ~8/05 | - | - | - | - |
| 48 | 2/14/04 | ~9/05 | - | - | - | - |
| 50 | 8/4/04 | ~9/05 | - | - | - | - |
| 52 | 2/22/04 | | - | - | - | - |
| 54 | 9/2000 | | - | - | - | - |
| 56 | 9/2000 | | - | - | - | - |
| 56B | | | 96,957 | W-36 | New | No |

Layer Site 5 – Mt. Victory
2nd Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(l)(k)}

| Barn | PM Impaction System - Installation Date | Population as of 7/2/05 | Breed W-98/W-36 | Feed New/Old | Additive Application |
|-------------|--|------------------------------------|----------------------------|-------------------------|---------------------------------|
| 1 | | 159,960 | W-36 | New | No |
| 2 | Removed January 2005 | 155,894 | W-36 | New | No |
| 3 | | 159,080 | W-36 | New | No |
| 4 | | 160,024 | W-36 | New | No |
| 5 | | 160,533 | W-36 | New | No |
| 6 | | 159,356 | W-36 | New | No |
| 7 | | 162,864 | W-36 | New | No |
| 9 | | 159,780 | W-36 | New | No |
| 10 | | 149,310 | W-36 | New | No |
| 11 | | 157,876 | W-36 | New | No |
| 12 | | 158,551 | W-36 | New | No |
| 13 | | 161,243 | W-36 | New | No |
| 14 | | 161,001 | W-36 | New | No |
| 15 | | 0 | - | - | - |

Layer Site 6 – Marseilles
2nd Quarter 2005

Consent Decree 3:03 CV 7681 Update (Attachment A-III Reporting Obligations 32 (c)(i)(k))

| Barn | PM Impaction System ~ Installation Date | Population as of 7/2/05 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|--|------------------------------------|----------------------------|-------------------------|--|
| 1 | | 162,053 | W-36 | New | No |
| 2 | | 460,923 | W-36 | New | No |
| 3 | | 162,003 | W-36 | New | No |
| 4 | | 0 | | | |
| 5 | | 162,246 | W-36 | New | No |
| 6 | | 162,583 | W-36 | New | No |
| 7 | | 163,095 | W-36 | New | No |
| 8 | | 160,111 | W-36 | New | No |
| 9 | | 163,364 | W-36 | New | No |
| 10 | | 139,331 | W-98 | New | No |
| 11 | | 0 | | | |
| 12 | | 146,901 | W-98 | New | No |
| 13 | | 145,475 | W-98 | New | No |
| 14 | | 151,413 | W-36 | New | No |
| 15 | | 147,010 | W-36 | New | No |
| 16 | | 153,476 | W-36 | New | No |

% Moisture
Mt. Victory
LS 5
Barn 2

| <u>Date Sampled</u> | <u>% Moisture</u> |
|---------------------|-------------------|
| 3/18/04 | 28.97% |
| 5/26/04 | 34.03% |
| 10/4/04 | 31.68% |
| 12/21/04 | 46.67% |
| 3/29/05 | 62.53% |
| 7/6/05 | 30.09% |



April 30, 2004

Compliance Tracker
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5, AE-17J
77 West Jackson Boulevard
Chicago, Illinois 60604

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MAY 04 2004

AIR ENFORCEMENT BRANCH,
U.S. EPA, REGION 5

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
RE: DOJ No. 90-11-2-06089

Director, Office of Regulatory Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Mailcode 2241A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required to be reported by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

32(c) Particulate Impaction System installation is subject to completion of PM emission testing and EPA approval, which testing has not yet commenced or been completed, and no System installation is scheduled in the current reporting period.

32(d) No visual inspection or dust removal associated with the Particulate Impaction System has occurred since the System is neither yet installed nor functional.



- 32(e) No dust removal or disposal has occurred since the Particulate Impaction System is neither yet installed nor functional.
- 32(f) No maintenance, repair, or replacement of Particulate Impaction System has occurred since the System is neither yet installed nor functional. Use of the Operational Maintenance Log has not yet commenced.
- 32(g) There have been no impacts from the Particulate Impaction System on building ventilation since the System is neither yet installed nor functional.
- 32(h) No exhaust or ventilation fan operational data has been collected during the prior reporting period. Computer software to record fan operational data had been ordered.
- 32(i) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) No additional PM reduction practices have been implemented during prior reporting period, except that a new type of feed, that has higher oil or fat content, which is expected to reduce dust, is being used.
- 32(k) No enzyme additive to control ammonia emissions was used in the prior reporting period. Purdue University is performing bench-scale testing of the enzyme additive. Use of the Enzyme Activator Application Log has not yet commenced.

In response to comments recently received from EPA concerning the Proposed PM and Ammonia Emission Control Plans and the Quality Assurance Project Plan, Ohio Fresh Eggs is preparing revised Emission Control Plans and a detailed Quality Assurance Project Plan for resubmission to EPA. However, Ohio Fresh Eggs is not able to provide these revised Plans to EPA by April 30, 2004 as was requested. Ohio Fresh Eggs expects to submit the revised Plans during the week of May 3-7, 2004.

I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.

Sincerely,

Ohio Fresh Eggs, LLC

By: 
Cale Ayres
Environmental Compliance Manager

cc: Mr. Donald C. Hershey
Mr. Ronald Flory
Brian M. Babb, Esq.

1257809.2

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MAY 04 2004

April 30, 2004

AIR ENFORCEMENT BRANCH,
U.S. EPA, REGION 5

Mr. Cale Ayres
Ohio Fresh Eggs, LLC
Environmental Compliance Manager
11212 Croton Road
Croton, OH 43013

RE: United States v. Buckeye Egg Farm, L.P., et al - Consent Decree, Civil Action
3:03 CV7681 - Quarterly Reports

Dear Mr. Ayres:

I hereby direct and authorize you to timely prepare and submit to the United States Environmental Protection Agency and the United States Department of Justice the quarterly reports required under the Consent Decree in the above-referenced matter.

Sincerely,

OHIO FRESH EGGS, LLC

By: Donald C. Hershey
Donald C. Hershey
President

1207999.1

Layer Site 1 – Croton
1st Quarter 2004 Report
Consent Decree 3:03 CV 7681 {Attachment A-III. Reporting Obligations 32. (a)(b)(l)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population Week End 3/27/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--|----------------------------|-------------------------|--|
| 1 | 10/25/03 | | - | - | - | - |
| 3 | | | 65,175 | W-98 | New | No |
| 5 | | | 70,243 | W-98 | New | No |
| 7 | | | 65,972 | W-98 | New | No |
| 9 | 3/27/04 | | - | - | - | - |
| 11 | | | 69,068 | W-98 | New | No |
| 13 | | | 71,346 | W-98 | New | No |
| 13A | | | 99,975 | W-98 | New | No |
| 2 | 1/10/04 | ~5/27/04 | - | - | - | - |
| 4 | 9/2000 | ~6/10/04 | - | - | - | - |
| 6 | 9/2000 | ~7/1/04 | - | - | - | - |
| 8 | 9/2000 | | - | - | - | - |
| 10 | 9/2000 | | - | - | - | - |
| 12 | 9/2000 | | - | - | - | - |
| 14 | 9/2000 | | - | - | - | - |
| 14B | | | 98,299 | W-98 | New | No |

Layer Site 2 – Croton
1st Quarter 2004 Report
Consent Decree 3:03 CV 7681 {Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population Week End 3/27/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--|----------------------------|-------------------------|--|
| 15 | | | 71,810 | W-98 | New | No |
| 17 | | | 64,832 | W-98 | New | No |
| 19 | | | 71,473 | W-98 | New | No |
| 21 | | | 71,833 | W-98 | New | No |
| 23 | | | 68,719 | W-98 | New | No |
| 25 | | | 71,972 | W-98 | New | No |
| 27 | | | 71,260 | W-98 | New | No |
| 27A | | | 98,422 | W-98 | New | No |
| 16 | | | 71,685 | W-98 | New | No |
| 18 | | | 65,651 | W-98 | New | No |
| 20 | | | 67,488 | W-98 | New | No |
| 22 | | | 71,800 | W-98 | New | No |
| 24 | | | 68,876 | W-98 | New | No |
| 26 | | | 23,764 | W-98 | New | No |
| 28 | | | 70,701 | W-98 | New | No |
| 28B | | | 101,476 | W-98 | New | No |

Layer Site 3 – Croton
1st Quarter 2004 Report
Consent Decree 3:03 CV 7681 (Attachment A-III. Reporting Obligations 32 (a)(b)(i)(k))

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population Week End 3/27/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--|----------------------------|-------------------------|--|
| 29 | - | - | No Birds | - | - | - |
| 31 | | | 69,663 | W-98 | New | No |
| 33 | - | - | No Birds | - | - | - |
| 35 | | | 69,921 | W-98 | New | No |
| 37 | | | 68,410 | W-98 | New | No |
| 39 | - | - | No Birds | - | - | - |
| 41 | | | 68,931 | W-98 | New | No |
| 41A | | | 95,087 | W-98 | New | No |
| 30 | | | 71,798 | W-98 | New | No |
| 32 | | | 70,489 | W-98 | New | No |
| 34 | | | 69,117 | W-98 | New | No |
| 36 | | | 70,667 | W-98 | New | No |
| 38 | - | - | No Birds | - | - | - |
| 40 | | | 71,336 | W-98 | New | No |
| 42 | | | 68,952 | W-98 | New | No |
| 42B | | | 93,576 | W-98 | New | No |

Layer Site 4 – Croton
1st Quarter 2004 Report
Consent Decree 3:03 CV 7681 {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

| Barn | ~ Closure Date to Convert to B/B (Control Actions) | ~ Reopening Date for Remolded B/B (Control Actions) | Population Week End 3/27/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|---|--|--|----------------------------|-------------------------|--|
| 43 | 9/2000 | 8/11/01 | 106,868 | W-98 | New | No |
| 45 | 9/2000 | 8/18/01 | 89,330 | W-36 | New | No |
| 47 | 9/2000 | 8/25/01 | 94,512 | W-98 | New | No |
| 49 | 9/2000 | 9/8/01 | 106,871 | W-98 | New | No |
| 51 | 9/2000 | 9/15/01 | 106,379 | W-98 | New | No |
| 53 | 9/2000 | 10/6/01 | 105,603 | W-98 | New | No |
| 55 | | | 69,549 | W-98 | New | No |
| 55A | | | 99,124 | W-98 | New | No |
| 44 | 9/2000 | | - | - | - | - |
| 46 | 1/10/04 | | - | - | - | - |
| 48 | 2/14/04 | | - | - | - | - |
| 50 | | | 71,108 | W-98 | New | No |
| 52 | 2/22/04 | | - | - | - | - |
| 54 | 9/2000 | | - | - | - | - |
| 56 | 9/2000 | | - | - | - | - |
| 56B | | | 101,338 | W-98 | New | No |

Layer Site 5 – Mt. Victory
1st Quarter 2004 Report
Consent Decree 3:03 CV 7681 {Attachment A-III Reporting Obligations 32 (c)(i)(k)}

| Barn | PM Impaction System ~ Installation Date | Population Week End 3/27/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|--|---------------------------------------|---------------------------|------------------------|--|
| 1 | | 169,728 | W-98 | New | No |
| 2 | | 170,149 | W-98 | New | No |
| 3 | | 170,684 | W-98 | New | No |
| 4 | | 170,269 | W-98 | New | No |
| 5 | | 162,795 | W-98 | New | No |
| 6 | | 171,632 | W-98 | New | No |
| 7 | | 171,882 | W-98 | New | No |
| 9 | | 168,885 | W-98 | New | No |
| 10 | | 170,170 | W-98 | New | No |
| 11 | | 174,606 | W-98 | New | No |
| 12 | | 170,550 | W-98 | New | No |
| 13 | | 170,810 | W-98 | New | No |
| 14 | | 171,475 | W-98 | New | No |
| 15 | | 172,014 | W-98 | New | No |

Layer Site 6 – Marseilles
1st Quarter 2004 Report
Consent Decree 3:03 CV 7681 {Attachment A-III Reporting Obligations 32 (c)(l)(k)}

| Barn | PM Impaction System ~ Installation Date | Population Week End 3/27/04 | Breed W-98/W-36 | Feed New/Old | Enzyme Weekly Application |
|-------------|--|--|----------------------------|-------------------------|--|
| 1 | | 172,833 | W-98 | New | No |
| 2 | | 172,632 | W-98 | New | No |
| 3 | | 172,984 | W-98 | New | No |
| 4 | | 160,831 | W-98 | New | No |
| 5 | | 163,131 | W-98 | New | No |
| 6 | | 163,239 | W-98 | New | No |
| 7 | | 164,588 | W-98 | New | No |
| 8 | | 170,948 | W-98 | New | No |
| 9 | | 56,592 | W-98 | New | No |
| 10 | | No Birds | - | - | - |
| 11 | | No Birds | - | - | - |
| 12 | | No Birds | - | - | - |
| 13 | | No Birds | - | - | - |
| 14 | | No Birds | - | - | - |
| 15 | | No Birds | - | - | - |
| 16 | | No Birds | - | - | - |